

Jan Michael Caballero-Fernandez  
109 Wildwood Lane  
Uncasville, CT 06382

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED
APR 25 2023
CLERK, U.S. DISTRICT COURT
By _____ Deputy _____

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. NAVY SEALS 1-26, et al.,

§

Plaintiffs,

§

v.

Civil Action No. 4:21-cv-01236-O

§

LLOYD J. AUSTIN, III, et al.,

§

Defendants.

§

**ORDER**

The Fifth Circuit has ordered the parties to provide supplemental briefing on the issue of mootness. *See* ECF No. 212. Taking note of the same developments, this Court directs the parties to file those briefs in this case on the same timeline as set by the Circuit.

**SO ORDERED** on this 4th day of January, 2023.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
NORTHERN DISTRICT OF TEXAS  
501 WEST TENTH ST., ROOM 310  
FORT WORTH, TX 76102

OFFICIAL BUSINESS

LEGAL MAIL  
SOCIAL SECURITY



Jan Michael Caballero-Fernandez  
109 Wildwood Lane  
Uncasville, CT 06382

76102-3641

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IN THE UNITED STATES DISTRICT COURT  
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Plaintiffs, §  
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v. § Civil Action No. 4:21-cv-01236-O  
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LLOYD J. AUSTIN, III, et al., §  
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Defendants. §

**ORDER & AMENDED SCHEDULING ORDER**

Before the Court is the Unopposed Motion to Modify the Scheduling Order (ECF No. 217), filed January 27, 2023. The Court also takes notice that the Parties have concurrently filed their briefs on mootness with the Fifth Circuit and with this Court. *See* ECF Nos. 218, 219-1.

The Unopposed Motion to Modify the Scheduling Order (ECF No. 217) is hereby **GRANTED in part and DENIED in part**. The trial date will remain unchanged, but the Court finds good cause to **AMEND** the May 24, 2022 Scheduling Order (ECF No. 158) as follows:

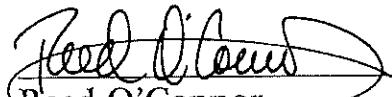
Initial Expert Designation & Report	<b>February 28, 2023</b>
Responsive Expert Designation & Report	<b>March 17, 2023</b>
Rebuttal Expert Designation	<b>14 days after disclosure made by other party</b>
Expert Objections	<b>May 15, 2023</b>
Dispositive Motions	<b>April 28, 2023</b>
Mediation	<b>March 31, 2023</b>
Completion of Discovery	<b>April 21, 2023</b>
Pretrial Disclosures and Objections	<b>May 10, 2023. Objections due 14 days thereafter.</b>
Pretrial Materials (pretrial order etc.)	<b>May 25, 2023</b>
Exchange of Exhibits	<b>June 5, 2023</b>

Some of these listed deadlines have not been amended, but the Court provides them here collectively for the convenience of the Parties. All other deadlines not specified here remain unchanged.

Plaintiffs also request the Court to appoint a mediator for this dispute. United States Magistrate Judge Cureton is hereby **APPOINTED** to mediate this case. The Parties shall contact him directly to arrange for mediation **on, or before, March 31, 2023.**

Furthermore, in their Fifth Circuit brief on mootness, the government asserts, “The United States also intends to seek dismissal of the entire case as moot in the district court.” *See* Government’s Fifth Circuit Brief on Mootness 8, ECF No. 219-1. The government **SHALL** file their assertion of mootness **no later than February 6, 2023.** Plaintiffs **SHALL** have seven (7) days to file their response, and the government **SHALL** file its reply seven (7) days thereafter.

**SO ORDERED** on this 30th day of January, 2023.



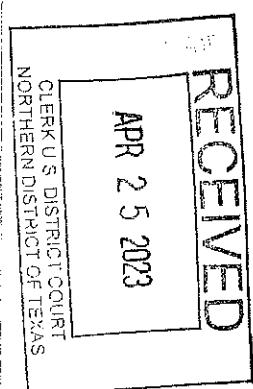
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
NORTHERN DISTRICT OF TEXAS  
501 WEST TENTH ST, ROOM 310  
FORT WORTH, TX 76102  
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Jan Michael Caballero-Fernandez  
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76102-3641



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U.S. NAVY SEALs 1–26, et al.,

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Plaintiffs,

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v.

Civil Action No. 4:21-cv-01236-O

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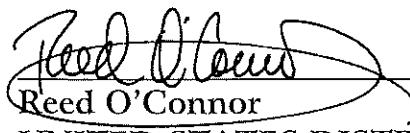
Defendants.

§

**ORDER**

On February 6, 2023, Defendants filed their Assertion of Mootness (ECF No. 221). Plaintiffs filed their Response (ECF No. 224) on February 13, 2023, and Defendants filed their Reply (ECF No. 226) on February 21, 2023. In their Reply, Defendants argue that the Navy's newly updated standard operating guidance, issued on February 15, 2023, further reinforces their position that all of Plaintiffs' claims are moot. Since Defendants' position is based on new facts, Plaintiffs should have an opportunity to respond. Plaintiffs **SHALL** file a sur-reply addressing Defendants' new arguments **no later than March 8, 2023.**

**SO ORDERED** on this 22nd day of February, 2023.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

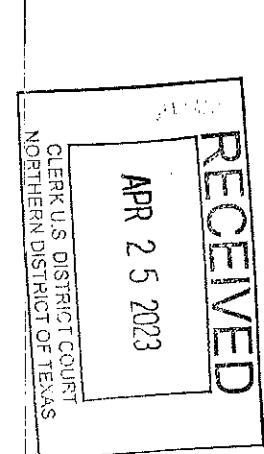
OFFICE OF THE CLERK

NORTHERN DISTRICT OF TEXAS  
501 WEST TENTH ST. ROOM 310  
FORT WORTH, TX 76102

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IN THE UNITED STATES DISTRICT COURT  
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SO ORDERED on this 1st day of March, 2023.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
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